

(g) *Participating State*—A State that has notified the agency of its intention to participate in the PDPS and has been certified by the agency as being in compliance with the requirements of the NDR Act of 1982 and §1327.5 of this part.

[50 FR 28196, July 11, 1985, as amended at 56 FR 41403, Aug. 20, 1991]

§ 1325.4 General transition procedures.

(a) *Data to be Transmitted to NDR by PDPS States.* The chief driver licensing official in each PDPS State shall transmit to the NDR a pointer record regarding any individual against whom adverse action, as described in section 205 of Public Law 97-364, has been taken.

(b) *Data to be Transmitted to NDR by Non-PDPS States.* The chief driver licensing official in each non-PDPS State shall transmit to the NDR the full substantive adverse action data on any individual against whom adverse action, as described in Public Law 86-660 as amended, has been taken.

(c) *Data to be Received by PDPS States.* (1) When a match occurs with a pointer record on file from a PDPS State, the PDPS State of Inquiry will receive the pointer record response from the NDR and driver status information from the State of Record.

(2) When a match occurs with a record on file from a non-PDPS State, the PDPS State of Inquiry will receive the full substantive record from the NDR.

(3) When no match occurs, the PDPS State of Inquiry will receive from the NDR a response that no match was found to each inquiry that is either transmitted interactively or on behalf of a party other than the State, and no response to other inquiries.

(d) *Data to be Received by Non-PDPS States.* (1) When a match occurs with a record on file from a non-PDPS State, the non-PDPS State of Inquiry will receive the full substantive record from the NDR.

(2) When a match occurs with a record on file from a PDPS State, the non-PDPS State of Inquiry will receive the pointer record response from the NDR.

(3) When no match occurs, the non-PDPS State of Inquiry will receive

from the NDR a response that no match was found to each inquiry that is either transmitted interactively or on behalf of a party other than the State, and no response to other inquiries.

(e) *Accessibility of NDR Information.* (1) All requests for information from the NDR must be made by State chief driver licensing officials or Federal departments or agencies in connection with the issuance of licenses or permits to operate federally owned vehicles.

(2) All requests for information made by State chief driver licensing officials must pertain to driver licensing, be made on behalf of the Chairman of the National Transportation Safety Board or the Administrator of the Federal Highway Administration for purposes of requesting information regarding an individual who is the subject of an accident investigation conducted by the NTSB or Bureau of Motor Carrier Safety, or be made by a PDPS State. Requests from PDPS States may also be for the purposes of State driver improvement or transportation safety, as those terms are defined in 23 CFR 1327.3.

[50 FR 28196, July 11, 1985, as amended at 56 FR 41403, Aug. 20, 1991]

PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

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APPENDIX B TO PART 1327—OMB CLEARANCE

AUTHORITY: Pub.L. 97-364, 96 Stat. 1740, as amended (49 U.S.C. 30301 *et seq.*); delegation of authority at 49 CFR 1.50.

SOURCE: 56 FR 41403, Aug. 20, 1991, unless otherwise noted.

§ 1327.1 Scope.

This part provides procedures for States to participate in the National Driver Register (NDR) Problem Driver Pointer System (PDPS) and for other authorized parties to receive information from the NDR. It includes, in accordance with section 204(c) of the NDR Act of 1982 (Pub. L. 97–364), procedures for a State to notify the Secretary of Transportation of its intention to be bound by the requirements of section 205 of the Act (i.e. requirements for reporting by chief driver licensing officials) and for a State to notify the Secretary in the event it becomes necessary to withdraw from participation. The rule also contains the conditions for becoming a participating State as well as conditions and procedures for other authorized users of the NDR.

§ 1327.2 Purpose.

The purpose of this part is to implement the NDR Act of 1982, as amended.

§ 1327.3 Definitions.

(a) *Any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve* includes a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard.

(b) *Driver History Record* means a detailed description of an individual's driver record, used in the American Association of Motor Vehicle Administrators' Commercial Driver's License Information System (CDLIS).

(c) *Driver Improvement Purposes* means information requests made by chief driver licensing officials in connection with the control and rehabilitation of drivers who are, based on their records, suspected of being or known to be problem drivers.

(d) *Driver License Abstract* means the complete driver history of a driver's convictions, revocations, suspensions, denials, cancellations, accidents and interactions with the driver control and driver improvement authorities. Also known as Motor Vehicle Record (MVR) or Transcript.

(e) *Driver Licensing Purposes* means information requests made by chief driver licensing officials to determine if individuals applying for original, renewal, temporary, or duplicate licenses have had their driving privileges withdrawn in some other State.

(f) *Driver Status Response* means a response which indicates whether a driver currently holds a valid license.

(g) *For Cause* as used in § 1327.5(a) means that an adverse action taken by a State against an individual was based on any violation listed in Appendix A, an Abridged Listing of the American Association of Motor Vehicle Administration (AAMVA) Violations Exchange Code, which is used by the NDR for recording license denials and withdrawals.

(h) *Fully Electronic Register System* means an NDR system in which all States that are participating in the NDR have been certified by the agency as participating States.

(i) *Interactive Communication* means an active two-way computer connection which allows requesters to receive a response from the NDR almost immediately.

(j) *Match* means the occurrence when the personal identifying information in an inquiry compares with the personal identifying information on a record in the NDR file such that there is a high probability that the individual identified on both records is the same person. See Probable Identification.

(k) *Non-Minimum Age Driver License Applicant* means a driver license applicant who is past the minimum age to apply for a license in the State making an NDR inquiry.

(l) *Non-PDPS State* means a State which operates under the old NDR by submitting complete substantive adverse driver licensing data to the NDR.

(m) *Participating State* means a State that has notified the agency of its intention to participate in the PDPS and has been certified by the agency as being in compliance with the requirements of the NDR Act of 1982 and § 1327.5 of this part.

(n) *Pointer Record* means a report containing the following data:

(1) The legal name, date of birth (including month, day, and year), sex,

(and if the State collects such data) height, weight, and color of eyes;

(2) The name of the State transmitting such information; and

(3) The social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number).

(o) *Probable Identification* means the occurrence when the personal identifying information in an inquiry compares with the identifying information on a record in the NDR file such that there is a high probability that the individual identified on both records is the same person. See Match.

(p) *Problem Driver Pointer System (PDPS)* means a system whereby the NDR causes information regarding the motor vehicle driving records of individuals to be exchanged between the State which took adverse action against a driver (State of Record) and the State requesting the information (State of Inquiry).

(q) *PDPS State* means a State which participates in the PDPS by submitting pointer records for inclusion in the NDR file and by providing information to States of Inquiry as a State of Record.

(r) *Rapid Response System* means an interactive inquiry capability of the NDR system used by non-PDPS States.

(s) *Remote Job Entry* means an automated communication method in which information is transmitted in batches (usually a large number of records) and responses are also transmitted in batches, all within a 24-hour period.

(t) *State of Inquiry* means the State submitting an inquiry to the NDR to determine if it contains information regarding a driver license applicant.

(u) *State of Record* means the State which took an adverse action against a driver and transmitted identification data regarding the driver to the NDR, in accordance with §1327.5(a) of this part.

(v) *Substantive Adverse Action Data, substantive adverse driver licensing data and substantive data* mean data which give the details regarding a State's rev-

ocation, suspension, denial or cancellation of a driver's license, or the conviction of a driver, such as date, reason, eligible/restoration date, etc.

(w) *Transportation Safety Purposes* means information requests submitted on behalf of other parties authorized by the NDR Act of 1982, as amended, to receive NDR information.

(x) *Transition Period* means the period which began on July 11, 1985 and will continue until a fully electronic register system is established, but not later than April 30, 1995.

[56 FR 41403, Aug. 20, 1991, as amended at 62 FR 63657, Dec. 2, 1997]

§ 1327.4 Notification procedures.

(a) *Participation.* (1) The chief driver licensing official of a State that wishes to participate in the NDR under the Problem Driver Pointer System (PDPS) shall send a letter to the National Highway Traffic Safety Administration (NHTSA) certifying that the State wishes to be considered a participating State, that it intends to be bound by the requirements of section 205 of the NDR Act of 1982 and §1327.5 of this part, and what conversion steps, if any, it has already completed.

(2) Within 20 days after receipt of the State's notification, NHTSA will acknowledge receipt and provide detailed instructions to the State of the steps to be taken for converting and operating under the PDPS.

(3) NHTSA will establish a schedule for providing assistance to the States during their conversion process. The agency will assign priorities to the States based on the order in which complete notifications are received. In the event two or more complete notifications are received on the same date, the agency will assign priorities based on those States' relative stage of development towards completing the conversion process. A State's stage of development will be determined based on which one of the following groups it falls into, listed in descending order of priority, i.e., the first group will receive the highest priority, the second group will receive the next highest priority, etc.

(i) States that participated in the PDPS pilot test program (North Dakota, Ohio, Virginia and Washington);

(ii) States that have implemented the Rapid Response System;

(iii) States that have implemented the Commercial Motor Vehicle Safety Act (CMVSA) requirements and intend to participate in the NDR interactively;

(iv) States that have implemented the CMVSA requirements and intend to participate in the NDR using remote job entry;

(v) States that have not progressed to one of the above stages.

(4) The chief driver licensing official of each State that has notified the agency of its intention to become a participating State will, at such time as it has completed all conversion steps, certify this fact to the agency.

(5) Upon receipt, review and approval of certification from the State, NHTSA shall certify the State as a participating State under PDPS.

(b) *Termination or cancellation.* (1) If a State finds it necessary to discontinue participation, the chief driver licensing official of the participating State will notify the agency in writing, providing the reason for terminating its participation.

(2) The effective date of termination will be no less than 30 days after notification of termination.

(3) NHTSA will notify any participating State that changes its operations such that it no longer meets statutory and regulatory requirements, that its certification will be withdrawn if it does not come back into compliance within 30 days from the date of notification.

(4) If a participating State does not come back into compliance with statutory and regulatory requirements within the aforementioned 30-day period, NHTSA will send a letter to the chief driver licensing official cancelling its certification.

(5) NHTSA will remove all records on file and will not accept any inquiries or reports from a State whose participation in the NDR has been terminated or cancelled.

(6) To be reinstated as a participating State after being terminated or cancelled, the chief driver licensing official shall follow the notification procedures in subparagraphs (a)(1) and (4) of this section.

(7) NHTSA will re-certify a State as a participating State upon determining that the State complies with the statutory and regulatory requirements for participation, in accordance with paragraphs (a)(2), (3) and (5) of this section.

(c) *After transition period ends.* (1) After the transition period ends, only participating States may participate in the NDR. NHTSA will remove all records on file and will not accept any inquiries or reports from a State that has not been certified as a participating State at that time, unless the agency has granted the State an extension of time in accordance with the remainder of this paragraph.

(2) If a State will not be certified as a participating State by April 30, 1995, but wishes to continue participating in the NDR, it may request an extension of time. The State request shall:

(i) Be submitted, by February 28, 1995, to the Office of Chief Counsel, NCC-30, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; and

(ii) Set forth the reasons for the request, the length of the extension requested and a plan showing how conversion will be completed by the proposed extension deadline.

(3) Upon receipt and review of the request, NHTSA will notify the State in writing of the agency's decision to grant or deny the request.

(4) A request for a renewal of an extension of time must be received by the agency no later than 30 days prior to the termination of the extension of time granted by the agency. A request for a renewal of an extension of time must meet the same requirements as the original request for an extension of time.

(5) If a request for a renewal of the extension of time which meets the requirements of § 1327.4(c)(2) is filed, the extension of time will continue until a decision is made on the renewal request.

§ 1327.5 Conditions for becoming a participating State.

(a) *Reporting requirements.* (1) The chief driver licensing official in each participating State shall transmit to the NDR a report regarding any individual—

(i) Who is denied a motor vehicle operator's license by such State for cause;

ii) Whose motor vehicle operator's license is canceled, revoked, or suspended by such State for cause; or

(iii) Who is convicted under the laws of such State of the following motor vehicle-related offenses or comparable offenses—

(A) Operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

(B) A traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways;

(C) Failure to render aid or provide identification when involved in an accident which results in a fatality or personal injury; or

(D) Perjury or the knowledgeable making of a false affidavit or statement to officials in connection with activities governed by a law or regulation relating to the operation of a motor vehicle.

(2) Any report regarding any individual which is transmitted by a chief driver licensing official pursuant to this requirement shall contain the following data:

(i) The legal name, date of birth (including day, month, and year), sex, (and if the State collects such data) height, weight, and color of eyes;

(ii) The name of the State transmitting such information; and

(iii) The social security account number, if used by the reporting State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number); except that

(iv) Any report concerning an occurrence identified in paragraph (a)(1) of this section which occurs during the two-year period preceding the date on which such State becomes a participating State shall be sufficient if it contains all such information as is available to the chief driver licensing official on such date.

(3) These records, defined as pointer records, shall be transmitted by the chief driver licensing official to the

NDR not later than 31 days after the adverse action information is received by the motor vehicle department or 6 months after the date on which such State becomes a participating State.

(4) No State will be required to report information concerning an occurrence which happened before the two-year period preceding the date on which the State becomes a participating State.

(b) *State of inquiry function for driver licensing and driver improvement purposes.* (1) The chief driver licensing official of a participating State shall submit an inquiry to the NDR for each first-time, non-minimum age driver license applicant before issuing a license to the applicant.

(2) The chief driver licensing official of a participating State may submit inquiries for other driver licensing and driver improvement purposes.

(c) *State of inquiry function for transportation safety purposes (on behalf of other authorized users).* The chief driver licensing official of a participating State shall provide for and establish routine procedures and forms to accept requests for NDR file checks from the following groups which are authorized to receive information from the NDR file through participating States:

(1) National Transportation Safety Board (NTSB) and Federal Highway Administration (FHWA) for accident investigation purposes. The Chairman of the NTSB and/or the Administrator of the FHWA shall submit requests for NDR searches in writing through the participating State with which previous arrangements have been made to process these requests. The chief driver licensing official shall provide to the requesting agency the NDR response indicating either Probable Identification (match) or No Record Found. In the case of a probable identification, the State of Record will also be identified in the response so that the NTSB or FHWA may obtain additional information regarding the individual's driving record.

(2) Employers and Prospective Employers of individuals licensed to drive a motor vehicle in the State (including Federal Agencies); Federal Aviation Administration regarding any individual who has applied for or received an airman's certificate; the Federal

Railroad Administration and employers/prospective employers regarding individuals who are employed or seeking employment as railroad locomotive operators; and the U.S. Coast Guard regarding any individual who holds or who has applied for a license or certificate of registry under section 7101 of title 46 of the U.S. Code, or a merchant mariner's document under section 7302 of that title, or regarding any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve.

(i) The procedures or forms developed by the chief driver licensing official to facilitate NDR searches for these authorized users shall provide for the request to be made by the individual or by the authorized user if the individual first consented to the search in writing. Any request to the chief driver licensing official and any written consent by the individual shall:

(A) State that NDR records are to be released;

(B) Specifically state who is authorized to receive the records;

(C) Be signed and dated by the individual or the individual's legal representative;

(D) Specifically state that the authorization is valid for only one search of the NDR; and

(E) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the authorized recipient of the information verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(ii) Any request made by an authorized user may include, in lieu of the actual information described in paragraphs (c)(2)(i) (C) through (E) of this section, a certification that a written consent was signed and dated by the individual or the individual's legal representative, specifically stated that the authorization is valid for only one search of the NDR, and specifically stated that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the authorized recipient of the information

verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(iii) The chief driver licensing official shall provide to the authorized user a response indicating either Probable Identification (match) or No Record Found. In the case of probable identification, the State of Record will also be included in the response so that the authorized user may obtain additional information regarding the individual's driving record.

(3) Individuals who wish to learn what information about themselves, if any, is in the NDR file, or whether and to whom such information has been disclosed.

(i) Upon receiving a request for an NDR search from an individual for information concerning himself or herself, the chief driver licensing official shall inform the individual of the procedure for conducting such a search and provide the individual a request form which, when properly completed, will be forwarded to the NDR either by the chief driver licensing official or by the individual.

(ii) The request form provided by the chief driver licensing official to the individual must provide for the following:

(A) Full legal name;

(B) Other names used (nicknames, professional name, maiden name, etc.);

(C) Month, day and year of birth;

(D) Sex;

(E) Height;

(F) Weight;

(G) Color of eyes;

(H) Social Security Number (SSN) and/or driver license number (provision of SSN is voluntary);

(I) Individual's full address;

(J) Home and office telephone number (provision of telephone number is voluntary);

(K) Signature;

(L) Proof of identification—Acceptable forms of identification are driver's license, birth certificate, credit card, employee identification card, and other forms of identification normally accepted by the State; and

(M) Notarization—This is required only if the individual chooses to mail the request directly to the NDR.

(iii) Upon receipt of the individual's request for a NDR file check, NHTSA will search its computer file and mail the results (i.e., notification of no record found or copies of any records found) directly to the individual.

(iv) The chief driver licensing official shall advise the requesting individual to contact the Chief, National Driver Register by mail or telephone for guidance regarding the procedure for alteration or correction of NDR-maintained records in the event he or she believes they are incorrect.

(d) *State of record functions.* The chief driver licensing official of a participating State shall implement the necessary computer system and procedures to respond to requests for driver record information. When a request to the NDR results in a match, the chief driver licensing official of a participating State shall also:

(1) Provide a driver status response interactively to the State of Inquiry or the NDR upon receipt of a request for this response from the NDR;

(2) Provide a Driver History Record from its file to the State of Inquiry upon receipt of a request for this record from the State of Inquiry; and

(3) Forward a driver license abstract (full motor vehicle record) to the State of Inquiry upon receipt of a request for this record either from the NDR or directly from the State of Inquiry, and to other authorized users upon receipt of a request directly from the user.

[56 FR 41403, Aug. 20, 1991, as amended at 62 FR 63657, Dec. 2, 1997]

§ 1327.6 Conditions and procedures for other authorized users of the NDR.

(a) *NTSB and FHWA.* To initiate an NDR file check before a fully electronic Register system has been established, the National Transportation Safety Board or the Federal Highway Administration (Office of Motor Carriers) shall submit a request for such check to the State with which previous arrangements have been made, in accordance with procedures established by that State for this purpose. To initiate an NDR file check once a fully electronic Register system has been es-

tablished, the NTSB or FHWA shall submit a request for such check to the participating State with which previous arrangements have been made, in accordance with procedures established by that State for this purpose.

(b) *Employers or prospective employers of motor vehicle operators (including Federal Agencies).* (1) To initiate an NDR file check, the individual employed or seeking employment as a motor vehicle operator shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of the participating State in which he or she is licensed to operate a motor vehicle in accordance with procedures established by that State for this purpose; or

(ii) Authorize, by completing and signing a written consent, his or her employer/prospective employer to request a file check through the chief driver licensing official of the participating State in which the individual is licensed to operate a motor vehicle in accordance with the procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate),

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the employer/prospective employer verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the employer/prospective employer shall make the information available to the employee/prospective employee.

(4) In the case of a match (probable identification), the employer/prospective employer should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the employee/prospective employee before using the information as the basis for any action against the individual.

(c) *Federal Aviation Administration.* (1) To initiate an NDR file check, the individual who has applied for or received an airman's certificate shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with the procedures established by that State for this purpose; or

(ii) Authorize, by completing and signing a written consent, the FAA to request the file check through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate);

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that is recommended, but not required, that the FAA verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the FAA shall make the information available to the airman for review and written comment.

(4) In the case of a match (probable identification), the FAA should obtain the substantive data relating to the record from the State of Record and verify that the person named on the

probable identification is in fact the airman concerned before using the information as the basis for any action against the individual.

(d) *Federal Railroad Administration and/or employers or prospective employers of railroad locomotive operators.* (1) To initiate an NDR file check, the individual employed or seeking employment as a locomotive operator shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with the procedures established by the State for this purpose; or

(ii) Authorize, by completing and signing a written consent, the FRA or his or her employer/prospective employer, as applicable, to request a file check through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate);

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the employer/prospective employer or the FRA verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the FRA or the employer/prospective employer, as applicable, shall make the information available to the individual.

(4) In the case of a match (probable identification), the FRA or the employer or prospective employer, as applicable, should obtain the substantive data relating to the record from the

State of Record and verify that the person named on the probable identification is in fact the individual concerned before using the information as the basis for any action against the individual.

(e) *U.S. Coast Guard.* (1) To initiate an NDR file check, the individual who holds or who has applied for a license, certificate of registry, or a merchant mariner's document or the individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with the procedures established by that State for this purpose; or

(ii) Authorize, by completing and signing a written consent, the U.S. Coast Guard to request a file check through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(2) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be signed and dated by the individual (or legal representative as appropriate);

(iv) Specifically state that the authorization is valid for only one search of the NDR; and

(v) Specifically state that the NDR identifies probable matches that require inquiry for verification; that is recommended, but not required, that the U.S. Coast Guard verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

(3) Upon receipt of the NDR response, the U.S. Coast Guard shall make the information available to the individual for review and written comment before denying, suspending or revoking the license, certificate of registry, or merchant mariner's document of the individual based on that information and before using that information in any

action taken under chapter 77 of title 46, U.S. Code.

(4) In the case of a match (probable identification), the U.S. Coast Guard should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the individual concerned before using the information as a basis for any action against the individual.

(f) *Air carriers.* (1) To initiate an NDR file check, the individual seeking employment as a pilot with an air carrier shall either:

(i) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with procedures established by the State for this purpose; or

(ii) Authorize, by completing and signing a written consent, the air carrier with whom the individual is seeking employment to request a file check through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(2) Until December 31, 1997, an NDR file check initiated under either paragraph (f)(1)(i) or (f)(1)(ii) of this section may be submitted directly to the NDR in accordance with procedures established by the NDR rather than through the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose.

(3) The request for an NDR file check or the written consent, whichever is used, must:

(i) State that NDR records are to be released;

(ii) State as specifically as possible who is authorized to receive the records;

(iii) Be dated and signed by the individual (or legal representative as appropriate);

(iv) Specifically state that the authorization is valid for only one search of the NDR;

(v) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the prospective employer verify matches with the State of

record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy; and

(vi) Specifically state that, pursuant to Section 502 of the Pilot Records Improvement Act of 1996, the request (or written consent) serves as notice of a request for NDR information concerning the individual's motor vehicle driving record and of the individual's right to receive a copy of such information.

(4) Air carriers that maintain, or request and receive NDR information about an individual must provide the individual a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

(5) In the case of a match (probable identification), the air carrier should obtain the substantive data relating to the record from the State of record and verify that the person named on the probable identification is in fact the individual concerned before using the information as a basis for any action against the individual.

(g) *Third Parties.* If a third party is used by any of the above authorized users to request the NDR check, both the individual concerned and an authorized representative of the authorized user organization shall sign a written consent authorizing the third party to act in this role. The written consent must:

(1) State that NDR records are to be released;

(2) State as specifically as possible who is authorized to request the records, and that such party is not authorized to receive NDR information;

(3) Be signed and dated by the individual (or legal representative as appropriate) and an authorized representative of the authorized user organization;

(4) Specifically state that the request authorization is valid for only one search of the NDR; and

(5) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the authorized recipient of the information verify matches with

the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy. The third party may not, however, receive the NDR response to a file search.

(h) *Individuals.* (1) When a check of the NDR is desired by any individual in order to determine whether the NDR is disclosing any data regarding him or her or the accuracy of such data, or to obtain a copy of the data regarding him or her, the individual shall submit his or her request to a participating State in accordance with the procedures established by that State for this purpose.

(2) The individual will be asked to provide the following information to the chief driver licensing official in order to establish positive identification:

- (i) Full legal name;
- (ii) Other names used (nickname, professional name, maiden name, etc.);
- (iii) Month, day and year of birth;
- (iv) Sex;
- (v) Height;
- (vi) Weight;
- (vii) Color of eyes;
- (viii) Driver license number and/or Social Security Number (SSN) (provision of SSN is optional);
- (ix) Full address;
- (x) Signature;
- (xi) Proof of identification (acceptable forms of identification are driver's license, birth certificate, credit card, employee identification card, and other forms of identification normally accepted by the State); and
- (xii) Notarization (this is required only if the individual chooses to mail the request directly to the NDR).

(3) Individuals are authorized also, under the Privacy Act of 1974, to request such information directly from the NDR.

(4) Individuals seeking to correct an NDR-maintained record should address their request to the chief of the National Driver Register. When any information contained in the Register is confirmed by the State of Record to be in error, the NDR will correct the

record accordingly and advise all previous recipients of the information that a correction has been made.

[56 FR 41403, Aug. 20, 1991; 56 FR 57255, 57374, Nov. 8, 1991; 62 FR 27195, May 19, 1997; 62 FR 63657, Dec. 2, 1997; 63 FR 153, Jan. 5, 1998]

APPENDIX A TO PART 1327—ABRIDGED
LISTING OF THE AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS VIOLATIONS EXCHANGE CODE, USED BY THE NDR FOR RECORDING DRIVER LICENSE DENIALS AND WITHDRAWALS

Code

DI Driving While Intoxicated Violations Pertaining to Intoxicants
DI1 Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs.
DI2 Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use.
DI3 Refusal to submit to test for alcohol after arrest for driving while intoxicated or suspicion of intoxication.
DI4 Illegal possession of alcohol or drugs in motor vehicle.
DI5* Administrative per se.
DI6* Driving while impaired.
DI7* Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance.
DS Disability
DS1 Inability to pass one or more tests required for driver license.
DS2 Operating a motor vehicle improperly because of physical or mental disability.
DS3 Failure to discontinue operating vehicle after onset of physical or mental disability (including uncontrollable drowsiness).
FA Fatality
FA1 Violation of a motor vehicle law resulting in the death of another person.
FE Felony
FE1 Using a motor vehicle as the device for committing a felony.
FE2 Using a motor vehicle in connection with a felony.
FE3 Using a motor vehicle to aid and abet a felon.
FE4* Using a commercial motor vehicle in the commission of a felony.
FE5* Using a commercial motor vehicle in the commission of a felony while transporting a hazardous material.
FR Financial Responsibility
FR1 Unsatisfied judgment.
FR2 Failure to meet requirements for the security-following-accident provisions of the FR law.

FR3 Failure to file future proof of financial responsibility following conviction for violation of motor vehicle law.

HR Hit and Run
Leaving the Scene
Evading Arrest

HR1 Failure to stop and render aid after involvement in accident resulting in bodily injury.

HR2 Failure to stop and reveal identity after involvement in accident resulting in property damage only.

HR3 Leaving the scene of an accident after providing aid or identity but before arrival of police.

HR4 Evading arrest by fleeing the scene of citation or roadblock.

HR5 Evading arrest by extinguishing lights (when lights required).

HR6* Leaving the scene of an accident involving a commercial motor vehicle operated by such person.

HV** Habitual Violator
Not an AAMVA code. For NDR use only.

MR Misrepresentation
Contributory Violations

MR1 Misrepresentation of identity or other facts to obtain a driver license. (If registration or title involved, see RT.)

MR2 Displaying a driver license which is invalid because of alteration, counterfeiting, or withdrawal (revocation, suspension, etc.).

MR3 Displaying the driver license of another person.

MR4 Loaning a driver license.

MR5 Obtaining or applying for a duplicate driver license during withdrawal.

MR6 Misrepresentation of identity or other facts to avoid arrest or prosecution.

RK Reckless, Careless, or Negligent Driving
RK1 Heedless, willful, wanton, or reckless disregard of the rights or safety of others in operating a motor vehicle, endangering persons or property.

RK2 Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property.

RK3 Transporting hazardous substances without required safety devices or precautions.

RV Repeated Violations

RV1 Recurrence of violations requiring mandatory action of the licensing authority as specified by law.

RV2 Accumulation of violations resulting in mandatory action of the licensing authority because of statutory point system.

RV3 Accumulation of violations resulting in discretionary action by the licensing authority.

RV4 Committing serious traffic violation involving a commercial motor vehicle operated by such person.

SP Speeding

SP1 Contest racing on public trafficway.

SP2 Prima facie speed violation or driving too fast for conditions.

SP3 Speed in excess of posted maximum.

SP5 Operating at erratic or suddenly changing speeds.

SP6* Excessive speeding in a commercial vehicle.

Unsatisfied Judgment (See FR)

VR Violation of Restriction

Licensing Requirements

VR1 Driving while revoked.

VR2 Driving while suspended.

VR3 Driving while license denied.

VR5 Operating without being licensed or without license required for type of vehicle operated.

VR6 Allowing an unlicensed operator to drive.

*Recommended to AAMVA in response to a ballot on approval of a revision to the American National Standards Institute (ANSI) D20.1, "States' Model Motorist Data Base".

**Habitual Violator (HV) code was added to the AAMVA Violations Exchange Code by the NDR to accommodate the many States who enacted an HV law after the AAMVA Violations Exchange Code was developed. To be adjudged a Habitual Violator normally requires having been convicted of three major violations.

[56 FR 41403, Aug. 20, 1991; 56 FR 57256, Nov. 8, 1991]

APPENDIX B TO PART 1327—OMB CLEARANCE

The OMB clearance number of this regulation is OMB 2127-0001.

PART 1335—STATE HIGHWAY SAFETY DATA IMPROVEMENTS

Sec.

1335.1 Scope.

1335.2 Purpose.

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1335.9 Availability of funds.

1335.10 Grant limitations.

1335.11 Application procedures.

1335.12 Contents of application.

AUTHORITY: 23 U.S.C. 411; delegation of authority at 49 CFR 1.48.

SOURCE: 63 FR 54048, Oct. 8, 1998, unless otherwise noted.

§ 1335.1 Scope.

This part prescribes the requirements necessary to implement Section 411 of

Title 23, United States Code, which encourages States to adopt and implement effective data improvement programs.

§ 1335.2 Purpose.

The purpose of this part is to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data needed by each State to identify highway safety priorities; to evaluate the effectiveness of these improvements; to link highway safety data systems with other data systems within each State; and to improve the compatibility of the data system of each State with national data systems and data systems of other States to enhance the observation and analysis of national trends in crash occurrences, rates, outcomes, and circumstances.

§ 1335.3 Definitions.

As used in this part:

(a) *Highway safety data and traffic records* means data and records relating to crashes, roadways, drivers, vehicles, traffic offense citations/convictions, emergency medical services, locations and other data and records relating to highway safety.

(b) *Coordinating committee* means a committee that meets the requirements of § 1335.4 of this part.

(c) *Assessment* means a review of a State's highway safety data and traffic records system that meets the requirements of § 1335.5 of this part. For the purpose of this Part, an assessment includes an audit or a strategic planning analysis.

(d) *Strategic plan* means a multi-year plan that meets the requirements of § 1335.6 of this part.

(e) *Model data elements* means the data elements contained in the final Model Minimum Uniform Crash Criteria (MMUCC) published by the National Highway Traffic Safety Administration and the Federal Highway Administration (DOT HS 808 745, August 1998).

(f) *State* means any of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands.